

JOINT CASE MANAGEMENT PLAN

Attorney for Plaintiff: Errick Phillips (Pro Se)

Attorney for Defendants: Thomas Caffrey, Donald E. Wieand, Jr.

UNITED STATES DISTRICT COURT EASTERN DISTRICT
OF PENNSYLVANIA

ERRICK PHILLIPS

PLAINTIFF

CASE NO. 08-cv-1388

v.
TONY ALSLEBEN. et al.,

DEFENDANTS

RECEIVED
SEP 10 2008

JOINT CASE MANAGEMENT PLAN

Instructions: In many cases there will be more parties in the action than there are spaces provided in this form. If the space on this form is not sufficient, the form should be retyped or additional pages attached.

No party may submit a separate Case Management Plan. Disagreements among parties with respect to any of the matters below shall be set forth in the appropriate section.

Having complied with the meet and confer requirements set forth in the **LOCAL RULES**, or with any above-caption matter, the parties hereby submit the following Joint Case Management Plan.

1. Principal Issues

1.10 Separately for each party, please give a statement summarizing this case:

By plaintiff(s): On the day in question, Tony Alsleben approached plaintiff, allegedly because he received a radio dispatch providing a general discription of a black male who was walking up and down the street looking into several vehicles and businesses. Alsleben fabricated testimony that he received(i.e 911 call) in which was contradictory to the initial 911 call, plaintiff was in the process of retrieving personal items from a friend's vehicle, "whom was present" at which time he was approached in a racist, treatening manner without probable cause by the said officer. Petitioner fearing for his life ran. Petitioner was apprehended, handcuffed by the defendants, beat, stomped and kicked in the mouth, plaintiff lost a tooth and three others were severely loosened as a result of the defendants actions. To justify the racially motivated attack and excessive force, the said defendants concocted and manufactured a fraudulent criminal complaint, and maliciously prosecuted that complaint.

By defendant(s): _____

The factual issues that the parties dispute are:

1.11- **Malicious Prosecution**

1.12- **Racial Profiling**

1.13- **The Defendants Fabricated Testimony to Maliciously Prosecute Plaintiff**

- 1.14- **Unlawful Arrest (on Deputy Kester's part)**
- 1.15- **Excessive Use Of Force**
- 1.16- **Crule and Unusual Punishment**
- 1.17- **Mental Anguish**
- 1.18- **Defendants committed Fraud, Instrinsic Fraud & Ex-
trinsic Fraud**

Agree upon are: **NONE**

1.30 The principal leagal issues that parties dispute are:

- 1.31- **Malicious Prosecution**
- 1.32- **Unlawful Arrest (on Deputy Kester's part)**
- 1.33- **Excessive Use Of Force**
- 1.34- **Violation of Plaintiff's 1st,4th,8th & 14th Amendment
of the United States Constitutional, & Federal
Rights**

Agreed upon: **NONE**

1.50 Identify any unresolved issues as to service of process,
personal jurisdiction, subject matter jurisdiction, or venue: **NONE**

1.60 Identify any named parties that have not yet been served:
NONE

1.70 Identify any additional parties that:
plaintiff(s) intends to join: **NONE**

defendant(s) intends to join:

1.80 Identify any additional claims that:
plaintiff(s) intends to add: **Pain and Suffering, Cruel
and Unusual Punishment, Mental/Physical Anguish, Emotional
abuse.**

defendant(s):

2.0 Altenative Dispute Resolution ("ADR")

2.10 Identify any ADR procedure to which this case already
has been assigned or which the parties have agreed to
use.

ADR procedure NONE

Date ADR to be commenced _____

Date ADR to be completed _____

2.20 If parties have been unable to agree on an ADR procedure, but one or more parties believes that the case is appropriate for such procedure, identify the party or parties that recommend ADR and the specific ADR process recommended: **NONE**

2.30 If all parties share the view that no ADR procedure should be used in this case, set forth the basis for that view:

3.0 Consent to Jurisdiction by a Magistrate Judge

Indicate whether all parties agree, pursuant to 28 U.S.C 636(c)(1), to have a magistrate judge preside as the judge of this case with appeal lying to the United States Court of Appeals for the Third Circuit:

All parties agree to jurisdiction by a magistrate judge of this court: Y X N.

If parties agree to proceed before a magistrate judge, please indicate below which location is desired for the proceeding:

 Scranton
 Wilkes-Barre
 Harrisburg

4.0 Disclosures

4.100 Separately for each party, list by name and title/position each person whose identity has been disclosed by Plaintiff:

<u>Name</u>	<u>Title/Position</u>
4.102 <u>Tony Alsleben</u>	<u>Allentown Police Officer</u>
4.103 <u>Kevin Kennedy</u>	<u>Allentown Police Officer</u>
4.104 <u>Craig Koppel</u>	<u>Allentown Police Officer</u>
4.105 <u>Tony Sube</u>	<u>Allentown Police Officer</u>

4.106 Eric Kester

Lehigh County Deputy Sheriff

4.151 Disclosed by Defendant(s):

	<u>Name</u>	<u>Title/Position</u>
4.152	_____	_____
4.153	_____	_____
4.154	_____	_____
4.155	_____	_____

4.200 Separately for each party, describe by categories the documents that have been disclosed or produced through formal discovery, indicating which categories relate (even if not exclusively) to damages:

4.201 Categories disclosed by Plaintiff:

4.202 Tony Alsleben, copy of 911 call by Chris Gabellini, Police complaint written by Alsleben
Related damages: 911 call- racial profiling,
fraud, and malicious prosecution. Police
criminal complaint- malicious prosecution
fraud.

4.203 Eric Kester, Sheriff incident report. Related
damages- malicious prosecution, and fraud.

4.251 Categories of documents disclosed by Defendant(s):

4.252 _____

 4.253 _____

 4.254 _____

4.300 Additional Documents Disclosures: Separately for each party, describe each additional category of documents that will be disclosed without imposing on other counsel the burden of serving a formal request for production of documents:

- 4.301 Additional categories of documents Plaintiff will disclose: "Soon as they become availible"
- 4.302 Workmans compensation claim for Kevin Kennedy.
- 4.303 All complaints, and disciplinary actions brought against Alsleben, Kennedy, Sube and Koppel.
- 4.304 Medical records for Deputy Eric Kester.
- 4.305 Exhibits entered at plaintiff's trial(9/6/07) photos of plaintiff's injuries, photos of defendant Kevin Kennedy's ijury to eye, photo of driveway where plaintiff was assaulted.
- 4.306 Dental records and dental treatment procedures for Kevin Kennedy.
- 4.307 Photos of plaintiff's knuckles, elbows, and face after defendant's assault.

4.400 Separately for each party who claims an entitlement to damages or offset, set forth the computation of the damages or the offset:

4.401 plaintiff's calculation of damages:

Tony Alsleben-Compensation\$250.000.00, for racial profiling, malicious prosecution, fraud, excessive use of force. Punitive damages in the amount of \$250.000.00.

Kevin Kennedy-Compensation \$250.000.00, for fraud, malicious prosecution, racial discrimination,excessive use of force. Punitive damages in the amount of \$250.000.00.

Eric Kester-Compensation \$250.000.00, for fraud, malicious prosecution,unlawful arrest,racial discrimination,excessive use of force. Punitive damages in the amout of \$250.000.00.

Tony Sube-Compensation \$250.000.00, for fraud, malicious prosecution,racial discrimination, excessive use of force. Punitive damages in the amount of \$250.000.00.

Craig Koppel-\$250.000.00, for racial discrimination, excessive use of force. Punitive damages in the amount of \$250.000.00.

4.402 defendant's calculation of offset:

4.403 counter claimant/third party claimant's calculation of damages:

5.0 Motions

Identify any motion(s) whose early resolution would likely have a significant effect either on the scope of discovery or other aspects of the litigation:

<u>Nature of motion</u>	<u>Moving Party</u>	<u>Anticipated Filing Date</u>
Motion to Depose Plaintiff.	Defendants	8/21/2008
Motion to subpoena evidence documents and things.	Plaintiff	filed.
Motion to Disclose; Discovery "Rules 26(2)(B), (2)(C)(i)".	Plaintiff	filed.

6.0 Discovery

6.100 Briefly describe any discovery that has been completed or is in progress:

By Plaintiff(s): copy of original 911 call, Police Criminal Complaint, News Paper Article, Sheriff incident report, Motion to Disclose; Discovery "rules 26(2)(B),(2)(C)(i)".

By Defendant(s): Motion to Depose Plaintiff.

6.200 Describe any discovery that all parties agree should be conducted, indicating for each discovery undertaking its purpose or what kinds of information will be developed through it (e.g., "plaintiff will depose Mr. Jones, defendant's controller, to learn what defendant's revenue

recognition policies were and how they were applied to the kind of contracts in this case"): **NONE**

6.300 Describe any discovery that one or more parties want(s) to conduct but to which another party objects, indicating for each such discovery undertaking its purpose or what kind of information would be developed through it: **NONE**

6.400 Identify any subject area limitation on discovery that one or more parties would like imposed, at the first stage of or throughout the litigation: **N/A**

6.500 For each of the following discovery tools, recommend the per-party or per-side limitations (specify number) that should be fixed, subject to later modification by stipulation or court order on appropriate showing (where the parties cannot agree, set forth separately the limits recommended by plaintiff(s) and by defendant(s):

6.501 dispositions (excluding experts) to be taken by:
plaintiff(s): none defendant(s): _____

6.502 interrogatories to be served by:
plaintiff: Initial interrogatory-(25 each defendant) Reply-(25 each defendant)
counter reply (25 each defendant).
defendant(s): _____

6.503 documents production requested to be served by:
plaintiff: documents and/or things requested to be subpoena will be served soon as they become available to plaintiff.

6.504 request for admission to be served by:
plaintiff(s): 25 for each defendant.
defendant(s): **N/A**

6.600 All discovery commence in time to be completed by:
September 19, 2008.

6.700 Reports from retained experts due:

from plaintiff(s) by NONE

from defendant(s) by N/A

6.800 Supplementations due at the courts discretion

7.0 Protective Order

7.1 If entry of protective order is sought, attach to this statement a copy of the proposed order. **N/A**

7.2 If there is a dispute about whether a protective order should be entered, or about certain terms of the proposed order, briefly summarize each party's position below: **NONE**

8.0 Certification of Settlement Authority (All Parties Shall Complete the Certification)

I herby certify that the following individual(s) have settlement authority.

Erin Phillips
Name

self

Title

SCI Retreat 660 State Route 11

Huntlock Creek Pa 18621

Address

() - Daytime Telephone

Name

Title

Address

() - Daytime Telephone

9.0 Scheduling

- 9.1 This case may be appropriate for trial in approximately:
 X 240 Days from the filing of the action in this court
 365 Days from the filing of the action in this court
 Days from the filing of the action in this court
- 9.2 Suggested Date for Trial:
 May 2009 (month/year)
- 9.3 Suggested Date for final Pretrial Conference:
 Court's discretion (month/year)
- 9.4 Final date for joining additional parties:
 NONE Plaintiff(s)
 Defendant(s)
- 9.5 Final date for amending pleadings:
 Court's discretion Plaintiff(s)
 Defendant(s)
- 9.6 All potentially dispositive motions should be filed by:
 October 20, 2008; responses to any dispositive motion
 shall be due by November 3, 2008

10.0 Other Matters

Make any other suggestions for the case development process, settlement, or trial that may be useful or necessary to the efficient and just resolution of the dispute.

10.1 Possible Settlement

- 10.2 Any and all defendant's expert witnesses and/or witnesses that attempt to justify falsely the defendant's actions with Fraudulent Testimony or Fraudulent Documents. Plaintiff seeks to "add any and all" co-conspirators, as defendants to this suit.

11.0 Identification of Counsel

Counsel shall be registered users of the court's Electronic Case Files System (ECF) and shall file documents electronically in accordance with the Local Rules of Court and the Standing Order RE: Electronic Case Filing Policies and Procedures.

Electronic filing is required unless good cause is shown to the Chief Judge why counsel cannot comply with this policy. Any request for waiver of electronic filing must be filed with the Clerk's Office prior to the case management conference. The Chief Judge may grant or deny such request.

Identify by name, address, and telephone number lead counsel for each party. Also please indicate ECF User status below.

Date Errick Phillips acting Pro SE *Errick Phillips*
☒ Attorney(s) for Plaintiff
☐ ECF User(s)
☐ Waiver requested (as separate document)
☐ Fed.R.Civ.P.7.(statement filed if necessary)*

Date _____
 _____ Attorney(s) for Defendant(s)
 _____ ECF User(s)
 _____ Waiver requested (as separate document)
 _____ Fed.R.Civ.P.7.(statement filed if necessary)*

CERTIFICATE OF SERVICE

The undersign hereby certifies that, on the 7th day of September, 2008, a true and complete, correct copy of a **Joint Management Plan**, was served upon the following:

Donald E. Wieand Jr., Esq
190 Brodhead Rd
Suit 200
Bethlehem, Pa 18017-8617

Thomas M. Caffrey, Esq
Attorney I.D 46558
532 Walnut Street
Allentown, Pa 18101

Served Via: U.S Mail


ERRICK PHILLIPS